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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,256	07/30/2003	Malcolm Woods	RD8345USNA	9399

43693 7590 06/02/2006

INVISTA NORTH AMERICA S.A.R.L.  
THREE LITTLE FALLS CENTRE/1052  
2801 CENTERVILLE ROAD  
WILMINGTON, DE 19808

EXAMINER
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SALVATORE, LYNDY

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/630,256

Applicant(s)

WOODS, MALCOLM

Examiner

Lynda M. Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and accompanying remarks filed 03/20/06 have been fully considered and entered. Claim 1 has been amended as requested. Applicant's amendment to claim 1 is found sufficient to overcome the rejection made over Nakajima et al., US 6,207,600 set forth in section 3 of the last Office Action. Specifically, Nakajima et al., fails to teach the claimed air permeability. As such, these rejections are hereby withdrawn. However, upon further consideration a new ground of rejection is set forth herein below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3,5 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al., US 4,977,016 in view of Kamihashi et al., JP 408158160 A.

The patent issued to Thornton et al., teach a woven fabric having an air permeability of not more than  $1 \text{ cm}^3/\text{sec}/\text{cm}^2$  (abstract). Thornton et al., teach that the woven fabric is calendered on both sides to reduce permeability (abstract). With regard to claim 2, Thornton et al., teach a basis weight of  $280 \text{ gm}/\text{m}^2$  (column 2, 45-50). Thornton et al., teach that the low permeability fabric is suitable in the formation of an air bag (column 1, 14-37). Thornton et al., fail to teach employing synthetic bicomponent fibers in the woven fabric, however, the published JP abstract

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teaches a conjugate fiber suitable for use in the formation of an air bag. The JP abstract teaches nylon 6 and nylon 46 having a sheath core arrangement. Said fiber exhibits sufficient strength, heat resistance, fatigue resistance, and flexibility.

Therefore, motivated by the desire to provide an air bag with sufficient strength, heat resistance, fatigue resistance, and flexibility, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the woven fabric of Thornton et al., with the conjugate fibers taught in the published JP abstract.

With regard to Applicant's newly added method limitations, the Examiner considers the presence of process limitations on product claims, in which the product does not otherwise patentably distinguish over the prior art, cannot impart patentability to the product. *In re Stephens*, 145 USPQ 656

It appears that the claimed product is the same or similar to that provided by the cited combination of prior art though produced by a different process. In this instance, the burden shifts to Applicant to come forward with evidence establishing an unobvious difference between the claimed product and the product provided by the combination of cited prior art. *In re Marosi*, 218 USPQ 289,292

4. Claims 1-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al., US 4,977,016 in view of Hashimoto et al., JP 408134721 A.

The patent issued to Thornton et al., teach a woven fabric having an air permeability of not more than  $1 \text{ cm}^3/\text{sec}/\text{cm}^2$  (abstract). Thornton et al., teach that the woven fabric is calendered on both sides to reduce permeability (abstract). With regard to claim 2, Thornton et al., teach a basis weight of  $280 \text{ gm}/\text{m}^2$  (column 2, 45-50). Thornton et al., teach that the low permeability

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fabric is suitable in the formation of an air bag (column 1, 14-37). Thornton et al., fail to teach employing synthetic bicomponent fibers in the woven fabric, however, the published JP abstract teaches a conjugate fiber suitable for use in the formation of an air bag. The JP abstract teaches polyethylene terephthalate a sheath core arrangement. Said fiber imparts mechanical and flexibility properties to woven fabrics.

Therefore, motivated by the desire to provide an air bag with mechanical and flexibility properties, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the woven fabric of Thornton et al., with the conjugate fibers taught in the published JP abstract.

With regard to Applicant's newly added method limitations, the Examiner considers the presence of process limitations on product claims, in which the product does not otherwise patentably distinguish over the prior art, cannot impart patentability to the product. *In re Stephens*, 145 USPQ 656

It appears that the claimed product is the same or similar to that provided by the cited combination of prior art though produced by a different process. In this instance, the burden shifts to Applicant to come forward with evidence establishing an unobvious difference between the claimed product and the product provided by the combination of cited prior art. *In re Marosi*, 218 USPQ 289,292.

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al., US 4,977,016 in view of Kamihashi et al., JP 408158160 A and/or Hashimoto et al., JP 408134721 A as applied to claim 1 above and further in view of JP 05148703 A.

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The combination of prior art fails to specifically teach adding the claimed ultraviolet absorbing agent to the filament materials; however, ultraviolet agents are commonly added to provide protection against uv rays. For example, the published Japanese abstract teaches a cloth comprising conjugate fibers containing 1% by weight of the ultraviolet absorber titanium oxide (Abstract).

Therefore, motivated by the desire to provide a fabric with protection from ultraviolet rays, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the conjugate filaments taught by either JP 160' or 721 in the woven fabric of Thornton et al., with the amount of titanium oxide ultraviolet absorbing agent taught in the published Japanese abstract of 703'.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

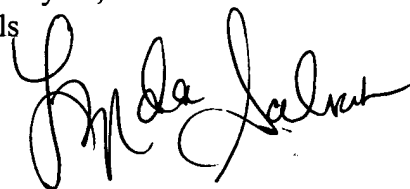
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 22, 2006

ls

A handwritten signature in black ink, appearing to read "Linda Salazar". The signature is written in a cursive, flowing style with a large initial "L".